



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

115 CIVIL APPLICATION NO. 2543 OF 2025
IN SA/472/2011

Ahmed Walikhan Pathan L.rs. Mahamad Wali And Others

VERSUS

Gulab Sarwarsab Mangrule And Another

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Advocate for Applicant : Mr. Patil Jayant R.

Advocate for Respondents : Mr Anand Chawre

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CORAM : S. G. CHAPALGAONKAR, J.

Dated : March 07, 2025

PER COURT :-

1. Heard learned advocates appearing for the respective parties.
2. By this application, the applicants seeks to bring on record legal heirs of sole appellant, who expired on 29.4.2021.
3. Mr. Patil, learned counsel appearing for the applicants submits that when respondent moved admitted second appeal and advocate endeavored to contact the appellant, it was revealed that he is no more. Thereafter, his legal heirs got knowledge of pending litigation and present application has been filed.
4. Mr. Chawre, learned counsel appearing for the respondent strongly opposed the application contending that reasons as stated are not sufficient to condone the inordinate delay of 900 and odd days.

5. Having considered the submissions advanced, it is apparent that parties are litigating for rights over the immovable property. The reason mentioned in paragraph nos.6 and 7 of the application is plausible. Respondents have not refuted contents by filing affidavit-in-reply.

6. In that view of the matter, delay deserves to be condoned, however subject to costs to be paid to the Library, Advocates Association of Bombay High Court, Bench at Aurangabad. In that view of the matter, civil application is allowed in terms of prayer clause 'B', 'C' and 'D' subject to condition that applicants deposits costs of Rs.5,000/- to the Library, Advocates Association of Bombay High Court, Bench at Aurangabad within a period of four weeks from today and furnishes receipt thereof on record of this appeal. Amendment to be carried out within a period of two weeks thereafter. C.A. stands disposed of.

(S. G. CHAPALGAONKAR, J.)

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